

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
POP TOP CORP.,	:	
	:	
Plaintiff,	:	
	:	20-CV-6598 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
NOOK DIGITAL, LLC,	:	
	:	
Defendant.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

On July 3, 2024, I granted attorney Matthew Wawrzyn’s motion for leave to withdraw as counsel for Plaintiff. (Doc. 55.) I stayed the case until September 2, 2024 so that new counsel could appear, as corporate parties may not proceed in federal court pro se. (*Id.*) I then extended Plaintiff’s deadline to retain successor counsel until August 16, 2024, (Doc. 56), and again until October 21, 2024, (Doc. 58). In my most recent order, I warned that if Plaintiff failed to retain new counsel by the October 21, 2024 deadline, “or otherwise demonstrate an intent to prosecute this litigation, I will dismiss this case for failure to prosecute” pursuant to Fed. R Civ. P. 41(b). (Doc. 58.) To date, Plaintiff has entered the appearance of successor counsel nor taken any other action to prosecute this case.

Accordingly, is is hereby:

ORDERED that this action is dismissed without prejudice pursuant to Rule 41(b).

The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: October 25, 2024  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

Vernon S. Broderick  
United States District Judge